

Members

Rep. Vernon Smith, Chairperson
Rep. Linda Lawson
Rep. Carolene Mays
Rep. John Ulmer
Rep. Ralph Foley
Rep. Andrew Thomas
Sen. David Long, Vice-Chairman
Sen. Richard Bray
Sen. R. Michael Young
Sen. Anita Bowser
Sen. John Broden
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON JUVENILE LAW AND CORRECTIONS ISSUES

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the
Committee
Andrew Roesener, Attorney for the Committee
K.C. Norwalk, Attorney for the Committee

Authority: Legislative Council Resolution 03-01

MEETING MINUTES¹

Meeting Date: July 9, 2003
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 156 A
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Vernon Smith, Chairperson; Rep. Carolene Mays; Rep. Ralph Foley; Sen. David Long, Vice-Chairman; Sen. R. Michael Young.

Members Absent: Rep. Linda Lawson; Rep. John Ulmer; Rep. Andrew Thomas; Sen. Richard Bray; Sen. Anita Bowser; Sen. John Broden; Sen. Timothy Lanane.

Representative Smith convened the meeting at 10:10 am. He introduced members of the Committee and then recognized staff analyst Mark Goodpaster to review the Committee's charges, budget and deadlines issued by the Legislative Council.

This background information was contained in a memo prepared for the Committee by Mr. Goodpaster and included with Attachment A at the end of these minutes.

The Committee discussed the following topics and whether to address them at a future meeting.

Juvenile Law: Senator Long and Representative Foley noted that a Juvenile Law Commission was appointed by executive order in April, 2002 to address the issue of juvenile law. (See Attachment B).

Senator Long suggested that the Committee monitor the Commission's activities to avoid any duplications of effort.

¹ Exhibits and other materials referenced in these minutes are included with these minutes and are available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Representative Smith requested that someone representing the Juvenile Law Study Committee appear before the Commission at the next meeting and describe the Commission's current efforts.

County Juvenile Corrections Funding: Matt Brooks representing the Association of Indiana Counties told Committee members that counties pay half of the costs of juveniles who have been committed to the Department of Correction. Counties have little control over these expenditures as both the number of juveniles committed to DOC facilities and the per diem costs increase.

Mr. Brooks indicated that during the 2003 General Assembly, an amendment was added in the House passed version of the 2004-05 budget bill that would have capped the number of juveniles that could be placed in DOC administered facilities in each county. This provision was later removed by the Senate.

The Committee members decided to add this issue to the agenda for the August meeting.

Tobacco and Other Prohibited Items: Representative Smith requested that the Department of Correction send a copy of the tobacco ban policy that the Department had issued to the members of the Committee. Representative Smith indicated that he would like to hear from former offenders who were disciplined for violations of tobacco ban and possibly employees, if these employees would be immune from prosecution if they testify.

During the 2003 General Assembly, an amendment to SB 115 provided a defense to a charge of trafficking with an inmate if the article delivered to the inmate is: (1) not contraband or prohibited property; (2) necessary for the health or safety of the inmate; and (3) delivered to the inmate after the penal facility has failed to deliver the article after a previous request. It also provided certain employees of penal facilities who have been the subject of adverse employment decisions based upon trafficking with an inmate with an opportunity for an employment redetermination. This provision was later removed from SB 115.

Randy Koester, Deputy Commissioner of the Department of Correction provided more background to the Committee members about this issue. First he clarified the difference between contraband, which is property that is illegal for anyone to possess, and forbidden property, which is legal for the public to possess but not persons who are incarcerated. Contraband includes drugs while prohibited property can range from cell phones to tobacco products.

Mr. Koester explained to committee members what the amendment to SB 115 – 2003 tried to address. An employee at the Wabash Valley facility was dismissed for supplying hunting socks to offenders who were on a work crew. The offenders who were on a work crew complained that the facility had supplied them with athletic socks which did not sufficiently keep their feet warm. The employee advised the offenders on his work crew that if new socks appear, he would make sure that the offenders receive them. Later, a bag of new socks were found in a state truck parked at the facility, and the receipt was traced back to the mother of one of the members of the work crew. When questioned, this employee admitted to assisting in providing the socks.

When the employee assisted in supplying the offenders with these socks, the employee violated a DOC rule forbidding employees from providing any articles to offenders. This rule was established to ensure that employees are not put in the position of being manipulated by offenders by supplying items to the offenders and allowing offenders to then ask for more items. This act led to his termination.

Mr. Koester also indicated that there are at least two authorized avenues that property can be given to offenders. One is to obtain the permission of the facility superintendent, the other is to donate them to the facility as a gift (although staff are not permitted to do this directly because of the need to keep relationships with offenders professional and not personal.)

Mr. Koester also commented on one of the reasons for the ban on tobacco by offenders. He indicated that the percentage of prisoners found to test positive for drugs after the tobacco ban dropped from between eight and nine percent to between three and four percent of a random sample of offenders who were given drug tests. He indicated that the use of tobacco by offenders masks the smell of marijuana smoke.

Representative Smith told the Committee members that he wishes to include this topic on the agenda for the September meeting.

Gang Activity: Senator Long spoke about his concern with problems of gang activity in DOC facilities. He noted that there is an appearance of complicity between some correctional officers and gang members. He indicated that he would like to hear from some advocacy groups about this topic.

Medical Issues: Representative Smith told the Committee members about letters he has received from offenders about the inadequate medical care that they have received in DOC facilities. He noted that offenders have complained about receiving little or no health care after being diagnosed with Type C hepatitis, diabetes, and severe back pain. He also received letters about the drug treatment program at New Castle and the limited hospice care for terminal offenders.

Representative Smith told the members of the Committee that at the next meeting the health and medical program of the Department of Correction would be examined. The specific aspects of health care that he wishes to examine include screening of offenders, how to deal with offenders with transmittable diseases, how federal and state laws require offenders to be treated, and measures to protect other offenders and staff from communicable diseases.

Future Meetings: The next meeting of the Committee is scheduled for Wednesday, August 27th at 10:00 am in Room 431. Topics for this meeting will include

- the status of the Juvenile Law Study Commission;
- offender health issues; and
- financing of the juvenile facilities administered by the Department of Correction.

A Committee meeting in September will be held in the Westville Correctional Facility.

The meeting was adjourned at 11:28 a.m.

Members

Rep. Vernon Smith, Chairperson
Rep. Linda Lawson
Rep. Carolene Mays
Rep. John Ulmer
Rep. Ralph Foley
Rep. Andrew Thomas
Sen. David Long, Vice-Chairman
Sen. Richard Bray
Sen. R. Michael Young
Sen. Anita Bowser
Sen. John Broden
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON JUVENILE LAW AND CORRECTIONS ISSUES

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the
Committee
Andrew Roesener, Attorney for the Committee
K.C. Norwalk, Attorney for the Committee

Authority: Legislative Council Resolution 03-01

To: Members of Committee
From: Mark Goodpaster, Fiscal Analyst
Date: July 7, 2003
Re: Overview of Committee Assignment

Committee Members:

House of Representatives:

Vernon Smith (Chair)
Linda Lawson
Carolene Mays
John Ulmer
Ralph Foley
Andrew Thomas

Senate

David Long (Vice Chair)
Richard Bray
Michael Young
Anita Bowser
John Broden
Tim Lanane

Budget:

The Committee has a budget of \$8,000 for the interim, allowing three meetings to be held in Indianapolis if all committee members attend all three meetings.

Committee Charges:

The Legislative Council charged the Committee with studying the following topics:

A. Juvenile law commission topics (see SB 229)

Recommend changes in juvenile law

B. Prison system issues (see SB 336)

- Investigate possible trafficking in tobacco and other contraband within the state prison system.
- Study other issues relating to the state prison system that the committee considers relevant.
- Study any issues assigned to the committee by the Legislative Council.

C. County juvenile corrections funding (Legislative Council)

Addressing the issue of counties with outstanding balances for juvenile correction commitments.

Committee Deadlines:

Per diem and mileage or travel allowances may be paid for attendance at a meeting of a study committee only if the meeting is held before November 1, 2003.

Each study committee created by the Legislative Council shall submit a status report to the Council on or about September 15 if called upon to do so, and shall submit a final report to the Council within 10 working days after the final meeting of the study committee. However, the Council Chairman and Vice-Chairman may jointly extend the due date for a committee's final report beyond that 10-day period.

Taking Action by Study Committees.

Unless there are specific contrary provisions in a statute, a study committee may not recommend a final bill draft, or a final report, unless that draft or report has been approved by a majority of the voting members appointed to serve on that committee. All such votes taken by a study committee must be taken at a public meeting of the committee and shall be recorded in the committee's final report.

A member of a study committee must be present at a meeting of the study committee to cast a vote. Proxy votes are never in order at a study committee meeting.

Absence from one or more meetings of a study committee does not disqualify a member of the study committee from casting votes at a subsequent meeting.

SENATE BILL No. 229

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Juvenile law commission. Establishes the commission on juvenile law to recommend changes in juvenile law by January 1, 2004. Appropriates \$18,000 to fund the commission.

Effective: Upon passage.

Long, Clark

January 9, 2003, read first time and referred to Committee on Judiciary.



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 229

A BILL FOR AN ACT concerning family law and juvenile law and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "commission" refers to the commission on juvenile law
3 established by this SECTION.

4 (b) There is established the commission on juvenile law. The
5 commission shall recommend changes in juvenile law to the
6 legislative council by January 1, 2004.

7 (c) The commission consists of the following members:

8 (1) Two (2) members of the house of representatives, who may
9 not be members of the same political party, appointed by the
10 speaker of the house of representatives.

11 (2) Two (2) members of the senate, who may not be members
12 of the same political party, appointed by the president pro
13 tempore of the senate.

14 (3) One (1) prosecuting attorney, appointed by the president
15 pro tempore of the senate.

16 (4) One (1) juvenile public defender, appointed by the speaker
17 of the house of representatives.



(5) Two (2) judges or magistrates having responsibility for juvenile law, appointed by the chief justice of the Indiana supreme court.

(6) One (1) court appointed special advocate (CASA) or guardian ad litem, appointed by the chief justice of the Indiana supreme court.

(7) One (1) attorney licensed to practice law in Indiana who is a member of the Indiana State Bar Association's Committee on Civil Rights for Children, appointed by the speaker of the house of representatives.

(8) The executive director of the Indiana judicial center or the executive director's designee.

(9) One (1) person employed by a nonprofit organization that addresses delinquency and juvenile justice issues, appointed by the president pro tempore of the senate.

(10) One (1) representative of a probation department, appointed by the president pro tempore of the senate.

(11) The director of the Indiana criminal justice institute or the director's designee.

(12) One (1) representative of a law enforcement agency, appointed by the speaker of the house of representatives.

(d) At the first meeting of the commission, the members shall select a chairperson from among the members.

(e) The Indiana criminal justice institute shall staff the commission and provide administrative support. The legislative services agency shall provide support for bill drafting and fiscal analysis upon request of a legislative member of the commission.

(f) Except as provided in subsection (i), the expenses of the commission shall be paid by the Indiana criminal justice institute from the commission on juvenile law account.

(g) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under [IC 4-13-1-4](#) and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under [IC 4-13-1-4](#) and other expenses actually incurred in connection



1 with the member's duties as provided in the state policies and
2 procedures established by the Indiana department of
3 administration and approved by the budget agency.

4 (i) Each member of the commission who is a member of the
5 general assembly is entitled to receive the same per diem, mileage,
6 and travel allowances paid to legislative members of interim study
7 committees established by the legislative council. Per diem,
8 mileage, and travel allowances paid under this subsection shall be
9 paid from appropriations made to the legislative council or the
10 legislative services agency.

11 (j) The affirmative votes of a majority of the members
12 appointed to the commission are required for the commission to
13 take action on any measure, including final reports.

14 (k) This SECTION expires January 1, 2004.

15 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) There is
16 established the commission on juvenile law account within the state
17 general fund. The commission on juvenile law account consists of
18 appropriations made by the general assembly and donations.

19 (b) There is appropriated to the commission on juvenile law
20 account eighteen thousand dollars (\$18,000) from the state general
21 fund to fund the commission on juvenile law beginning on the
22 effective date of this SECTION and ending December 31, 2003.

23 (c) This SECTION expires January 1, 2004.

24 SECTION 3. An emergency is declared for this act.



SENATE BILL No. 336

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: State prison system interim study committee. Establishes the state prison system interim study committee.

Effective: Upon passage.

Dillon

January 15, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.



Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 336

A BILL FOR AN ACT concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "committee" refers to the state prison system interim
3 study committee established by subsection (b).

4 (b) There is established the state prison system interim study
5 committee.

6 (c) The committee shall do the following:

7 (1) Investigate possible trafficking in tobacco and other
8 contraband within the state prison system.

9 (2) Study other issues relating to the state prison system that
10 the committee considers relevant.

11 (3) Study any issues assigned to the committee by the
12 legislative council.

13 (d) The committee shall operate under the policies governing
14 study committees adopted by the legislative council.

15 (e) The affirmative votes of a majority of the voting members
16 appointed to the committee are required for the committee to take
17 action on any measure, including final reports.

18 (f) This SECTION expires January 1, 2004.

19 SECTION 2. An emergency is declared for this act.

LEGISLATIVE COUNCIL RESOLUTION 03-02

(As Adopted May 28, 2003)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

POLICIES GOVERNING STUDY COMMITTEES

SECTION 1. DEFINITIONS. For the purposes of this resolution, "study committee" means a committee or commission which has been established by the Legislative Council or statute and:

- (1) is chaired by a member of the General Assembly and has members of the General Assembly serving as at least one-half of its voting membership;
- (2) is required by law to be staffed by the Legislative Services Agency or to operate under procedures or policies established by the Legislative Council;
- (3) whose chairman by law must be selected by the Chairman of the Legislative Council, the Speaker of the House, or the President Pro Tempore of the Senate; or
- (4) is comprised of standing committees of both the House and Senate.

SECTION 2. APPLICATION AND INTERPRETATION OF RESOLUTION.

(a) Study committees as defined in SECTION 1 of this resolution are under the jurisdiction of the Legislative Council. The Legislative Services Agency shall provide staff support to those committees as directed by the Legislative Council.

(b) In the event of a conflict between a statute governing a study committee and a provision of this resolution, that statute supersedes such a provision only to the extent of the conflict. If the statute in question is silent with regard to a provision of this resolution, this resolution prevails.

SECTION 3. TERMS OF CERTAIN COMMITTEE CHAIRMANSHIPS. Unless otherwise provided by a statute or by Council resolution, the appointment of a chairman of a statutory or Council-created study committee expires on December 31 of the year in which the chairman is appointed.

SECTION 4. CREATION OF SUBCOMMITTEES PROHIBITED.

(a) As used in this section, "subcommittee" refers to any entity consisting wholly or partially of a subset of members of a study committee.

(b) Unless required or specifically authorized by statute, or authorized by the Legislative Council, a study committee chairman may not create subcommittees. The chairman of a subcommittee must be a legislator member of the study committee whose members form all or part of the subcommittee..2

(c) Notwithstanding subsection (b), a study committee chair may establish informal work groups made up of study committee members so long as the work groups operate as follows:

- (1) No official action will be taken by a work group. The work group may report on its activities to the full study committee.
- (2) The Legislative Services Agency will not staff or take minutes during a work group meeting.
- (3) A lay member of a study committee is not entitled to a per diem or any expense reimbursement for activities related to the work group.
- (4) A legislative member of a study committee may request the Senate or House to receive a per diem and other expense reimbursement for activities related to the work group.

SECTION 5. PER DIEM AND MILEAGE AUTHORIZATION.

(a) The Legislative Services Agency is authorized to pay per diem and mileage or travel allowances, in the amounts provided by law, to:

- (1) any member of the General Assembly who is appointed by the Governor, the Speaker of the House, President or President Pro Tempore of the Senate, House or Senate Minority Leader, or the Legislative Council, to serve on any board or commission or on any research, study, or survey committee and who attends a meeting of that body;
- (2) any member of the General Assembly who attends an out-of-state meeting as authorized by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, as the case may be; and
- (3) any person who is not a member of the General Assembly, but who is appointed by the Governor, Speaker of the House of Representatives, President or President Pro Tempore of the Senate, House or Senate Minority Leader, or Legislative Council to serve on any study committee under the jurisdiction of the Legislative Council and who attends a meeting of that committee.

(b) In addition to per diem and mileage, a lay member may request lodging reimbursement not to exceed a total of \$85 per night (inclusive of all applicable hotel taxes) for in-state committee meetings held outside of Marion County.

SECTION 6. STUDY COMMITTEE MEETING DEADLINE.

(a) With respect to the 2003 interim, per diem and mileage or travel allowances may be paid for attendance at a meeting of a study committee only if the meeting is held before November 1, 2003. This subsection does not apply to the Legislative Council or to a study committee created by statute, if that statute specifically requires or permits meetings during other times of the year (a statutory provision stating that a study committee shall meet upon the call of the chairman is not specific authority for meetings after October 31, 2003).

(b) The Executive Director of the Legislative Services Agency may withdraw staff support from committees which propose to meet after organization day for the 2004 Regular Session, if in the Executive Director's opinion staff resources cannot reasonably be diverted from legislative session work.

SECTION 7. FUNDING FOR STUDY COMMITTEES.

(a) The budget of a study committee is \$8,000, unless a greater amount is authorized in writing by the Legislative Council Chairman and Vice-Chairman.

(b) Notwithstanding subsection (a), the budget of the Legislative Council and any study committee consisting of at least 16 members is \$15,000, unless a greater amount is authorized in writing by the Chairman and Vice-Chairman.

(c) Payments for the following are chargeable against the budgets of study committees:

- (1) Payment of per diem, mileage, or travel allowances as permitted by SECTION 5 of this resolution.
- (2) Payment of per diem, mileage, and travel allowances to Legislative Services Agency committee staff when a committee meets outside Indianapolis.
- (3) Payment of any expert witness compensation or expenses approved under SECTION 9 of this resolution.
- (4) Payment for any special materials or publications purchased specifically for use by a study committee.
- (5) If approved by the chairman, payments for other necessary expenses of a committee.

(d) The budget of a study committee created by the Legislative Council takes effect on adoption of this resolution, and expires on October 31, 2003.

(e) The budgets of any study committees created by statute during the 2003 regular legislative session take effect on the adoption of this resolution, and expire June 30, 2004. However, the budgets of study committees previously created by statute take effect on July 1, 2003, and expire June 30, 2004.

SECTION 8. STUDY COMMITTEE REPORT DEADLINES.

(a) Each study committee created by the Legislative Council shall submit a status report to the Council on or about September 15 if called upon to do so, and shall submit a final report to the Council within 10 working days after the final meeting of the study committee; however, the Council Chairman and Vice-Chairman may jointly extend the due date for a committee's final report beyond that 10-day period. The final report shall set forth in separate sections background information, the committee's findings, and its recommendations concerning the topics identified in its work program.

(b) Study committees created by statute shall submit progress reports and final reports at such times and containing such information as the Council directs.

(c) Study committees created by statute to which topics have been referred by the Council are requested to report their findings and recommendations on those topics to the Council within 10 working days after their final meeting for the interim. Requests for any minority reports on those topics must follow the procedures outlined in SECTION 12 of this resolution.

SECTION 9. EXPERT WITNESS COMPENSATION. If a study committee wishes to compensate an expert witness for his or her services, the chairman must obtain the prior

written approval of the Chairman of the Legislative Council.

Requests for expert witness compensation must be submitted to the Chairman in writing, and must indicate the amount of honorarium (if any) and the estimated amount of expense reimbursement (travel and lodging) that is desired. Once approved, the honorarium (if any) and reimbursement will be paid from funds appropriated to the Legislative Council and the Legislative Services Agency and allocated to that committee, unless a study committee has its own appropriation.

SECTION 10. STUDY COMMITTEE POLICY RECOMMENDATIONS. A study committee may not direct a public policy recommendation (except in its final report) to any public or private entity (except the Indiana House of Representatives, the Indiana Senate, or the Legislative Council) unless that committee has first obtained the written approval of the Personnel Subcommittee of the Legislative Council to do so.

SECTION 11. TAKING ACTION BY STUDY COMMITTEES. (a) Unless there are specific contrary provisions in a statute, a study committee may not recommend a final bill draft, or a final report, unless that draft or report has been approved by a majority of the voting members appointed to serve on that committee. All such votes taken by a study committee must be taken at a public meeting of the committee and shall be recorded in the committee's final report.

(b) A member of a study committee must be present at a meeting of the study committee to cast a vote. Proxy votes are never in order at a study committee meeting.

(c) Absence from one or more meetings of a study committee does not disqualify a member of the study committee from casting votes at a subsequent meeting.

SECTION 12. STUDY COMMITTEE MINORITY REPORTS. Legislative Services Agency study committee staff may not prepare a "minority report" for members of a study committee unless at least 4 legislator members of that committee jointly make such a request in writing to the Executive Director of the Legislative Services Agency. The request must be made within 5 working days after adoption of a final report, and the minority report must be completed by not later than 10 working days after the date the request is made. No more than 1 minority report may be prepared for any study committee..5

SECTION 13. LOCATION OF STUDY COMMITTEE MEETINGS HELD OUTSIDE OF THE STATE HOUSE. If a study committee meeting is to be conducted at a site other than the State House, the chairman of the study committee should select a site that accommodates the needs of individuals with disabilities. However, this SECTION does not apply to any part of a study committee meeting that consists of an on-site inspection of a project or program.

SECTION 14. ISSUANCE OF SUBPOENA. A study committee does not have the power to subpoena or otherwise compel the production of testimony or documents except to the extent such power is specifically granted to the study committee by the Legislative Council under IC 2-5-1.1.

SECTION 15. DURATION OF THIS RESOLUTION. This resolution, as amended from time to time, remains in force until specifically repealed or superseded.

Attachment B

Executive Orders

FOR: CREATION OF THE COMMISSION ON JUVENILE LAW

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, the laws governing children in need of services and delinquent juveniles are complicated and sometimes in conflict; and

WHEREAS, the laws governing children in need of services and delinquent juveniles occasionally are at odds with what may be in the best interests of the child; and

WHEREAS, from time to time it is advisable to review and revise the laws; and

WHEREAS, the General Assembly has indicated in House Enrolled Act 459 in the Second Regular Session of the 108th General Assembly that a commission on juvenile law is needed; and

WHEREAS, there are no state general funds available to fund a commission on juvenile law as contemplated by House Enrolled Act 459 in the Second Regular Session of the 108th General Assembly; and

WHEREAS, it is desirable to have representatives from other sectors of our society on a commission on juvenile law;

NOW, THEREFORE, I Frank O'Bannon, by virtue of the authority vested in me as

Governor of the State of Indiana, do hereby order that:

1. The Indiana Commission on Juvenile Law composed of no more than 20 persons knowledgeable in juvenile law and the care and custody of children.

2. The commission shall have as its major purpose to study and purpose to the legislature, judiciary, and the governor revision in the laws governing children in need of services and juvenile delinquents and the law governing their parents, guardians, and custodians. It is believed that the best interests of our children and our citizens are best served by having the laws affecting the component parts of the juvenile justice system studied as a whole rather than as separate units.

3. The commission consists of the following members appointed by and serves at the pleasure of the governor:

(a) Two (2) members of the house of representatives, who may not be members of the same political party, recommended by the speaker of the house of representatives;

(b) Two (2) members of the senate, who may not be members of the same political party, recommended by the president pro tempore of the senate;

(c) One (1) member representing the Indiana prosecuting attorneys council with expertise in juvenile law;

(d) One (1) member representing the Indiana public defenders council with expertise in juvenile law;

(e) One (1) member representing the Indiana judicial conference having responsibility for juvenile law recommended by the chief justice of the Indiana Supreme Court;

- (f) One (1) judge or justice of a court having appellate jurisdiction over juvenile law cases recommended by the chief justice of the Indiana Supreme Court;**
- (g) The secretary of the Indiana family and social services administration or a designee;**
- (h) The commissioner of the department of correction or a designee;**
- (i) The director of the criminal justice institute or a designee;**
- (j) One (1) person affiliated with a non-governmental organization that addresses delinquency and juvenile justice issues;**
- (k) One (1) attorney licensed to practice law in Indiana who is a member of the Indiana State Bar Association's Committee on Civil Rights for children;**
- (l) One (1) representative of a law enforcement agency;**
- (m) The chairman of the State Advisory Committee on Juvenile Justice and Delinquency Prevention or a designee;**
- (n) One (1) representative of a probation department;**
- (o) One (1) person who has been under the jurisdiction of a juvenile court within the past ten (10) years;**
- (p) One (1) parent, guardian, or custodian of a person who has been under the jurisdiction of a juvenile court within the past ten (10) years; and**
- (q) Two (2) citizens who have a special interest or expertise in juvenile justice.**

4. The chairman, vice-chairman and secretary shall be appointed by and serve at the pleasure of the governor.

5. The Indiana criminal justice institute shall staff the commission and provide administrative support. The institute shall seek funding from grants or other alternatives to state general funds to support the commission.

6. The legislative services agency may provide support for bill drafting and fiscal analysis upon request of a legislative member of the commission.

7. Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

8. Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

9. Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

10. The majority of the members appointed to the commission shall constitute a quorum. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

The commission may delegate to any one or more of its members or agents such powers and duties as it may deem proper.

IN TESTIMONY WHEREOF, I

have set my hand and caused to be

affixed the Great Seal of the State of

Indiana this 25th day of April, 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

ATTEST: Sue Anne Gilroy

Secretary of State